

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1023 - HB 1356

March 25, 2021

SUMMARY OF BILL: Creates the *James 'Dustin' Samples Act* to allow certain firefighters to file for, within three years of their final date of employment, compensation under worker's compensation law, if they have been diagnosed with post-traumatic stress disorder (PTSD). Establishes that no compensation can be claimed if PTSD was caused by nonservice-connected risk factors or exposure.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures – Exceeds \$4,680,000/FY21-22 and Subsequent Years*

Assumptions:

- Injuries related to PTSD are not covered by workers' compensation law for public safety employees.
- This legislation requires public safety employers to provide workers' compensation benefits to full-time firefighters, employed by any municipality, county, municipal form of government, or any other political subdivision of this state, who have diagnosed with PTSD.
- All costs resulting from worker's compensation claims will be paid by local governments as employers to their respective firefighters, resulting in a mandatory increase in local government expenditures.
- Based on previous information provided by local sources, the average workers' compensation claim for public safety employees is \$24,000.
- Based on previous information provided by the Department of Commerce and Insurance, there are 7,773 local full-time firefighters in the state that would be eligible for the provision in this legislation.
- It is estimated that at least five percent or 389 firefighters ($7,773 \times 5\%$) will be diagnosed with PTSD and will be eligible for a workers' compensation claim each year.
- It is estimated, of the minimum 389 firefighters who would become eligible, at least 50 percent would file for workers' compensation. Therefore, at least 195 ($389 \times 50\%$) will file for workers' compensation.
- The mandatory recurring increase in local government expenditures is estimated to exceed \$4,680,000 (195 minimum firefighters \times \$24,000 average claim).
- Based on previous information provided by the Bureau of Workers' Compensation (BWC), it is estimated that any increase in claims for firefighters diagnosed with PTSD

can accommodated within the Bureau's existing staff and resources without any increase in expenditures.

- Based on previous information provided by the Department of Mental Health and Substance Abuse Services and the Department of Health, the provisions of this legislation will not significantly impact the departments

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost*

IMPACT TO COMMERCE:

NOT SIGNIFICANT

Assumption:

- This legislation is estimated to have no significant impact on commerce or jobs in this state.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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